

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

RACHID NAIM,

*Plaintiff,*

v.

CIVIL NO. 1:11-cv-01145-GBL-TCB

EXPERIAN INFORMATION SOLUTIONS,  
INC., TRANS UNION, LLC, EQUIFAX  
INFORMATION SERVICES, LLC AND BANK  
OF AMERICA, N.A.,

*Defendants.*

**RULE 26(F) JOINT PROPOSED DISCOVERY PLAN**

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on December 14, 2011, via electronic mail and telephone between:

Leonard Bennett and Susan M. Rotkis for Plaintiff  
Michael R. Ward for Trans Union LLC  
David. N. Anthony for Experian Information Solutions, Inc.  
Stephen P. Gangemi for Bank of America, N.A.

2. **Pre-discovery Disclosures.** The Parties do not believe that any changes are necessary to the timing, form, or requirement for disclosures under Rule 26(a) and will exchange by December 27, 2011 the information required by Fed.R.Civ.P. 26(a)(1) and :Local Rule 26.

3. **Trial before a Magistrate Judge.** The Defendants have not agreed to conduct the trial before a magistrate judge.

4. **Settlement.** Defendant Equifax Information Services, LLC has reached a settlement with Plaintiff. The other Parties have engaged in preliminary settlement discussions with Plaintiff.

Counsel for Equifax did not participate in the meeting, and did not need to participate, because Equifax has already settled with Plaintiff.

5. **Agreements related to Rule 26(f)(3)(C), and 26(f)(3)(D).** Pursuant to Rule 26(f)(3)(C), the Parties discussed the disclosure of electronically stored information and anticipate entering into an agreement to identify and retain all such relevant information for the duration of the case and produce the information in the most cost effective manner given the type and volume of information. The Parties' agreement will also address the preservation of non-electronic discoverable information. Pursuant to Rule 26(f)(3)(D), the Parties discussed issues relating to claims of privilege or work product protection and have agreed to produce a privilege log identifying generally the document and the privilege asserted for all documents protected by the privilege.

6. **Protective Order.** The Parties foresee the need for a protective order governing the dissemination and disclosure of certain documents produced in the case. The Parties agree to work together to submit an agreed upon protective order for entry by the Court.

7. **Delivery of Motions and Pleadings.** The Parties agree that a notice of electronic filing received prior to 5:00 p.m. through the court's PACER system shall be sufficient for both service and delivery of the motion on the date filed.

8. **Discovery Plan.** In accordance with the Court's order of November 28, 2011, the Parties jointly propose to the Court the following discovery plan:

All discovery commenced in time to be completed by April 13, 2012.

Maximum of 30 interrogatories by each party to any other party.

Maximum of 5 non-party, non-expert depositions by Plaintiff and 5 non-party, non-expert depositions by each Defendant. Depositions on written questions shall not count against the five non-party, non-expert depositions.

Each deposition limited to maximum of 7 hours unless extended by agreement of Parties.

Reports from retained experts under Rule 26(a)(2) should be due:

From Plaintiff by February 13, 2012.

From Defendants by March 14, 2012.

The Parties agree to discuss the modification of the disclosure of expert testimony as the circumstance require.

Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

From Plaintiff on April 5, 2012.

From Defendants on April 12, 2012.

Parties should have 10 days after the final pre-trial conference to note objections under Rule 26(a)(3).

The final pre-trial conference is set for April 19, 2012, at which time a trial will be set. The Parties expect the trial to take approximately two days.

DATED: December 14, 2011

Respectfully submitted,

/s/ \_\_\_\_\_  
Leonard A. Bennett  
Virginia Bar Number 37523  
Consumer Litigation Associates, PC  
763 J. Clyde Morris Boulevard, Suite 1A  
Newport News, VA 23601  
Telephone: (757) 930-3660  
Facsimile: (757) 930-3662  
[lenbennett@cox.net](mailto:lenbennett@cox.net)

*And*

Kristi Cahoon Kelly  
Surovell Isaacs Petersen & Levy PLC  
4010 University Dr., Suite 200  
Fairfax, VA 22030  
Telephone: (703) 277-9774  
Facsimile: (703) 591-2149  
[kkelly@siplfirm.com](mailto:kkelly@siplfirm.com)  
*Attorneys for Plaintiff*

/s/\_\_\_\_\_  
Michael R. Ward  
Virginia Bar Number 41133  
Morris & Morris, P.C.  
P.O. Box 30  
Richmond, VA 23218-0030  
Telephone: (804) 344-8300  
Facsimile: (804) 344-8539  
[mward@morrismorris.com](mailto:mward@morrismorris.com)  
***Attorney for Defendant***  
***Trans Union LLC***

/s/\_\_\_\_\_  
David Neal Anthony  
Virginia Bar Number 31696  
Troutman Sanders LLP  
Troutman Sanders Bldg.  
1001 Haxall Point  
P.O. Box 1122  
Richmond, VA 23219  
Telephone: (804) 697-5410  
Facsimile: (804) 698-5118  
[david.anthony@troutmansanders.com](mailto:david.anthony@troutmansanders.com)  
***Attorney for Defendant***  
***Experian Information Solutions, Inc.***

/s/\_\_\_\_\_  
Stephen Patrick Gangemi, III  
Virginia Bar Number 76758  
McGuireWoods LLP  
1750 Tysons Blvd., Suite 1800  
McLean, VA 22102-4215  
Telephone: (703) 712-5000  
Facsimile: (703) 712-5292  
[sgangemi@mcguirewoods.com](mailto:sgangemi@mcguirewoods.com)  
***Attorney for Defendant***  
***Bank of America, N.A.***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of December 2011, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record registered to use the CM/ECF system in this action, as follows:

<p>Leonard Anthony Bennett  <a href="mailto:lenbennett@cox.net">lenbennett@cox.net</a>  Consumer Litigation Associates, PC  763 J. Clyde Morris Boulevard, Suite 1A  Newport News, VA 23601  <i>And</i>  Kristi Cahoon Kelly  <a href="mailto:kkelly@sipfirm.com">kkelly@sipfirm.com</a>  Surovell Isaacs Petersen &amp; Levy PLC  4010 University Dr., Suite 200  Fairfax, VA 22030  <b>Counsel for Plaintiff</b></p>	<p>David Neal Anthony  <a href="mailto:david.anthony@troutmansanders.com">david.anthony@troutmansanders.com</a>  Troutman Sanders LLP  Troutman Sanders Bldg  1001 Haxall Point  P.O. Box 1122  Richmond, VA 23219  <b>Counsel for Experian</b></p>
<p>Stephen Patrick Gangemi, III  <a href="mailto:sgangemi@mcguirewoods.com">sgangemi@mcguirewoods.com</a>  McGuireWoods LLP  1750 Tysons Blvd., Suite 1800  McLean, VA 22102-4215  <b>Counsel for Bank of America, N.A.</b></p>	<p>John Willard Montgomery, Jr.  <a href="mailto:jmontgomery@jwm-law.com">jmontgomery@jwm-law.com</a> Montgomery &amp;  Simpson, LLLP  2116 Dabney Rd., Suite A-1  Richmond, VA 23230  <b>Counsel for Equifax</b></p>

I further certify that I will cause a copy of the foregoing Motion and corresponding NEF by electronic mail on the following non-filing user: None.

/s/ \_\_\_\_\_  
Michael R. Ward  
Virginia Bar Number 41133  
Morris & Morris, P.C.  
P.O. Box 30  
Richmond, VA 23218-0030  
Telephone: (804) 344-8300  
Facsimile: (804) 344-8539  
[mward@morrisandmorris.com](mailto:mward@morrisandmorris.com)  
**Attorney for Defendant**  
**Trans Union LLC**